

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

<p>PRESQRIBER, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>AO CAPITAL PARTNERS LLC d/b/a PROGNOSIS INNOVATION HEALTHCARE,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. 6:14-cv-440</p> <p>PATENT CASE</p> <p>JURY TRIAL DEMANDED</p>
APRIMA MEDICAL SOFTWARE, INC.	Case No. 6:14-cv-441
ATHENAHEALTH, INC.	Case No. 6:14-cv-442
CERNER CORPORATION	Case No. 6:14-cv-443
COMPUTER PROGRAMS AND SYSTEMS, INC.	Case No. 6:14-cv-445
CUREMD.COM, INC.	Case No. 6:14-cv-446
ECARESOF, INC.	Case No. 6:14-cv-447
E-MDs, INC.	Case No. 6:14-cv-448
HEALTHLAND INC.	Case No. 6:14-cv-452
MCKESSON CORP.	Case No. 6:14-cv-453
MEDHOST, INC.	Case No. 6:14-cv-454
QUADRAMED CORPORATION	Case No. 6:14-cv-461
QUEST DIAGNOSTICS INCORPORATED	Case No. 6:14-cv-462
<p>NEWCROP, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p>v.</p> <p>PRESQRIBER, LLC,</p> <p style="text-align: right;">Defendant.</p>	<p>Case No. 6:14-cv-539</p> <p>PATENT CASE</p> <p>JURY TRIAL DEMANDED</p>

NOTICE OF READINESS FOR SCHEDULING CONFERENCE

Pursuant to this Court's Standing Order Regarding Readiness for Scheduling Conference,¹ Plaintiff Prescriber, LLC ("Prescriber") hereby files this Notice of Readiness:

1. Lists of Related Cases, Patent Number, and Pending Motions

A. Cases Filed by Prescriber to Which This Notice Applies (Ready for Scheduling Conference)

On June 8, 2014, Prescriber filed 26 patent infringement actions in the Eastern District of Texas, Tyler Division, asserting infringement of U.S. Patent 5,758,095 (the "'095 Patent"). The cases were numbered 6:14-cv-439 through -464, consecutively. Judge Mitchell is assigned to each of the cases. Twelve (12) of the cases have been dismissed (Cases No. 6:14-cv-439, -444, -449, -450, -451, -455, -456, -457, -458, -460, -463, and -464). One (1) case is stayed pending finalization of settlement (Case No. 6:14-cv-459). Thirteen (13) cases remain, as set forth below. Three (3) of the remaining cases have agreements in principle to resolve them, which leaves 10 active cases. The following cases are ready for a scheduling conference with the Court:

Case No.	Defendant	Pending Motions
6:14-cv-440	AO Capital Partners LLC d/b/a Prognosis Innovation Healthcare	Motion to Dismiss (§101) (Dkt No. 12) ²
6:14-cv-441	Aprima Medical Software, Inc.	None
6:14-cv-442	Athenahealth, Inc.	None
6:14-cv-443	Cerner Corporation	Motion to Dismiss Claims for Willful Infringement (Dkt. No. 14) ³
6:14-cv-445	Computer Programs and Systems, Inc. (CPSI)	None
6:14-cv-446	CureMD.com, Inc.	Motion to Transfer (Dkt. No. 15) ⁴ Motion to Dismiss (§101) (Dkt. No. 16)
6:14-cv-447	eCareSoft, Inc.	None

¹ The last remaining Defendant in the related cases that had not answered or otherwise appeared, Optum (Case No. 6:14-cv-459), had an agreed motion to stay and notice of settlement filed on Monday, October 13, which has since been granted. This Notice is filed within five days of the agreed motion to stay.

² All of the Motions to Dismiss on Section 101 grounds are fully briefed.

³ This motion is fully briefed.

⁴ Prescriber has not yet filed its response to the CureMD Motion to Transfer. Venue discovery is in progress, and the parties are working on an appropriate time frame for the remainder of the briefing.

6:14-cv-448	E-MDs, Inc.	Motion to Dismiss (§101) (Dkt. No. 12)
6:14-cv-452	Healthland Inc.	Motion to Dismiss (§101) (Dkt. No. 14)
6:14-cv-453	McKesson Corporation ⁵	None
6:14-cv-454	Medhost, Inc.	Motion to Dismiss (§101) (Dkt. No. 11)
6:14-cv-461	QuadraMed Corporation ⁶	None
6:14-cv-462	Quest Diagnostics Incorporated ⁷	None

B. Related DJ Case Filed Against Prescriber to Which This Notice Applies (Ready for Scheduling Conference)

On June 10, 2014, NewCrop, LLC filed a declaratory judgment action against Prescriber, asserting that several entities that use systems and services provided by NewCrop had been named as defendants by Prescriber.⁸ The NewCrop DJ action requests declaratory judgments of non-infringement, invalidity, and unenforceability of the '095 Patent and is thus a related case. Prescriber answered on July 15, 2014. NewCrop has not filed a Notice of Readiness in accordance with this Court's standing order, so Prescriber is doing so here. This case is ready for a scheduling conference.

2. Dates of any Future *Markman* Hearing and/or Trial

No *Markman* hearing or trial date has been set in any of these related cases.

⁵ Prescriber and McKesson have reached an agreement in principle to resolve the case, but no motion to stay or motion to dismiss has been filed at this time.

⁶ Prescriber and QuadraMed have reached an agreement in principle to resolve the case, but no motion to stay or motion to dismiss has been filed at this time.

⁷ Prescriber and Quest have reached an agreement in principle to resolve the case, but no motion to stay or motion to dismiss has been filed at this time.

⁸ It appears that all of the NewCrop customers that were named as defendants by Prescriber have settled and been dismissed.

Dated: October 17, 2014

Respectfully submitted,

/s/ Craig Tadlock

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on all parties who have appeared in this case on October 17, 2014, via the Court's CM/ECF system.

/s/ Craig Tadlock

Craig Tadlock